

Meeting Date
9/20/16



AGENDA	
Section	Consent
Item No.	II.D.3

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	APPROVAL OF RESOLUTION FOR PROJECT SIGNAL
DEPT/OFFICE:	MANAGEMENT SERVICES & COMMUNITY SERVICES/COUNTY MANAGER'S OFFICE

Requested Action:

The North Brevard Economic Development Zone (NBEDZ) requests that the Board of County Commissioners approve its use of funds in the amount of \$10,000 as the required local contribution in the state's Qualified Tax Incentive (QTI) program in order to induce the economic development project known as "Project Signal" to go forward, evidencing approval of said use of funds by Resolution.

Summary Explanation & Background:

Project Signal is an aerospace manufacturer considering a location in the NBEDZ. The NBEDZ is charged with helping to facilitate economic development in the northern portion of the county.

Should the project choose this site, they plan to invest \$2.4M in new capital investments and create at least 10 jobs with an average wage of \$50,261.

The proposed NBEDZ support would be used to enable the company to take advantage of a state program known as the Qualified Targeted Industry (QTI) incentive program, which provides - as an incentive - refunds on certain taxes for companies that create high wage jobs in targeted high value-added industries. Given the number of jobs to be created by this project, along with the anticipated average annual wage (at 115% of the current average annual wage in Brevard County), the company is eligible for participation in the tax refund program. However, a contribution to the state from the local jurisdiction - in this case, Brevard County, through the mechanism of the NBEDZ - is required. That local contribution must equal at least 20% of the total tax refund available from the state per job created. For Project Signal, the NBEDZ is contributing \$10,000 for the local contribution.

Fiscal Impact: QTI local contribution proceeds would come from the North Brevard Economic Development Zone (NBEDZ).

EDC Staff Contact: GWeiner@SpaceCoastEDC.org, 321-638-2000

NBEDZ Staff Contact: Troy.Post@brevardcounty.us, 321-960-1458

V3

Clerk to the Board instruction: Need the adopted Resolution ASAP.

Exhibits Attached: RESOLUTION

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager

Department Director / Extension

Stockton Whitten



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

September 21, 2016

M E M O R A N D U M

To: Stockton Whitten, County Manager

Re: Item II.D.3., Resolution for Support of Project Signal for the State Qualified Tax Incentive (QTI) Program

The Board of County Commissioners, in regular session on September 20, 2016, adopted Resolution No. 16-153, in the amount of \$10,000 as the required local contribution in the State's Qualified Tax Incentive (QTI) Program in order to induce the economic development project known as Project Signal to go forward, evidencing approval of said use of funds by Resolution. Enclosed is a certified copy of the Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

Encl. (1)

cc: Budget
Finance
NBEDZ

**QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM
WITH CASH LOCAL FINANCIAL SUPPORT**

RESOLUTION NUMBER 16-153

A RESOLUTION ADOPTED BY THE GOVERNING BOARD OF BREVARD COUNTY, FLORIDA, RECOMMENDING PROJECT SIGNAL, BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO S.288.106, FLORIDA STATUTES AND ACKNOWLEDGING THAT THE STATUTORILY REQUIRED LOCAL FINANCIAL SUPPORT FOR THE PROJECT WILL BE PROVIDED BY THE NORTH BREVARD ECONOMIC DEVELOPMENT ZONE (NBEDZ) IN ACCORDANCE WITH NBEDZ RESOLUTION NO. 2016-09-01; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE GOVERNING BOARD OF BREVARD COUNTY, FLORIDA, as follows:

WHEREAS, PROJECT SIGNAL plans to build out a new manufacturing facility and create 10 jobs with an average annual wage of \$50,261; and

WHEREAS, PROJECT SIGNAL has been identified as a Qualified Target Industry Business; and

WHEREAS, BREVARD COUNTY hereby acknowledges that local financial support of 20% of the total tax refund is required under the provisions of s.288.106, Florida Statutes, governing the State's Qualified Target Industry (QTI) Tax Refund Program; and

WHEREAS, the North Brevard Economic Development Zone is authorized by the Brevard County Board of Commissioners (hereinafter referred to as the "County") created the North Brevard Economic Development Zone (the "NBEDZ") Dependent Special District under the powers vested in the County under Chapter 125, Florida Statutes, Chapter 189, Florida Statutes and section 200.065(1), Florida Statutes; and

WHEREAS, the County approved Resolution No. 2012-113, adopting the written Economic Development Plan of the NBEDZ Dependent Special District, as approved by its board of directors; and

WHEREAS the NBEDZ, at a meeting of its board of directors on September 9, 2016, approved the provision of \$10,000 for this project, an amount representing 100% of the required QTI local financial support.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF BREVARD COUNTY, FLORIDA, that the Board hereby recommends **PROJECT SIGNAL** be approved as a Qualified Target Industry Business pursuant to s.288.106, Florida Statutes, and that the local required contribution to the state for this project exists and is being provided by the North Brevard Economic Development Zone.

BE IT FURTHER RESOLVED that the Governing Board of **BREVARD COUNTY, FLORIDA** has determined that the basis of this project's average private sector wage commitment calculation shall be 115% of the *Brevard County* average annual wage.

This resolution shall take effect immediately upon its adoption.

DULY ADOPTED BY THE GOVERNING BOARD OF BREVARD COUNTY, FLORIDA, this 20th day of September, 2016.

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA**



Jim Barfield, Chairman

As approved by Board 9/20/16

ATTEST:

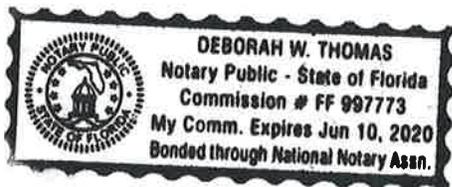


Scott Ellis, Clerk

STAMP AND SIGNATURE OF NOTARY

STATE OF FLORIDA
COUNTY OF BREVARD

Sworn to or affirmed and signed before me on September 20, 2016 by
JIM BARFIELD who is personally known by me.



NOTARY PUBLIC SIGNATURE

**QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM
WITH CASH LOCAL FINANCIAL SUPPORT**

RESOLUTION NUMBER 16-153

A RESOLUTION ADOPTED BY THE GOVERNING BOARD OF BREVARD COUNTY, FLORIDA, RECOMMENDING PROJECT SIGNAL, BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO S.288.106, FLORIDA STATUTES AND ACKNOWLEDGING THAT THE STATUTORILY REQUIRED LOCAL FINANCIAL SUPPORT FOR THE PROJECT WILL BE PROVIDED BY THE NORTH BREVARD ECONOMIC DEVELOPMENT ZONE (NBEDZ) IN ACCORDANCE WITH NBEDZ RESOLUTION NO. 2016-09-01; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE GOVERNING BOARD OF BREVARD COUNTY, FLORIDA, as follows:

WHEREAS, PROJECT SIGNAL plans to build out a new manufacturing facility and create 10 jobs with an average annual wage of \$50,261; and

WHEREAS, PROJECT SIGNAL has been identified as a Qualified Target Industry Business; and

WHEREAS, BREVARD COUNTY hereby acknowledges that local financial support of 20% of the total tax refund is required under the provisions of s.288.106, Florida Statutes, governing the State's Qualified Target Industry (QTI) Tax Refund Program; and

WHEREAS, the North Brevard Economic Development Zone is authorized by the Brevard County Board of Commissioners (hereinafter referred to as the "County") created the North Brevard Economic Development Zone (the "NBEDZ") Dependent Special District under the powers vested in the County under Chapter 125, Florida Statutes, Chapter 189, Florida Statutes and section 200.065(1), Florida Statutes; and

WHEREAS, the County approved Resolution No. 2012-113, adopting the written Economic Development Plan of the NBEDZ Dependent Special District, as approved by its board of directors; and

WHEREAS the NBEDZ, at a meeting of its board of directors on September 9, 2016, approved the provision of \$10,000 for this project, an amount representing 100% of the required QTI local financial support.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF BREVARD COUNTY, FLORIDA, that the Board hereby recommends **PROJECT SIGNAL** be approved as a Qualified Target Industry Business pursuant to s.288.106, Florida Statutes, and that the local required contribution to the state for this project exists and is being provided by the North Brevard Economic Development Zone.

BE IT FURTHER RESOLVED that the Governing Board of **BREVARD COUNTY, FLORIDA** has determined that the basis of this project's average private sector wage commitment calculation shall be 115% of the *Brevard County* average annual wage.

This resolution shall take effect immediately upon its adoption.

DULY ADOPTED BY THE GOVERNING BOARD OF BREVARD COUNTY, FLORIDA, this 20th day of September, 2016.

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA**



Jim Barfield, Chairman

As approved by Board 9/20/16

ATTEST:



Scott Ellis, Clerk

STAMP AND SIGNATURE OF NOTARY

STATE OF FLORIDA
COUNTY OF BREVARD

Sworn to or affirmed and signed before me on _____ by
_____ who is personally known by me.

NOTARY PUBLIC SIGNATURE



Date: September 8, 2016

To: Stockton Whitten
Assistant County Manager

From: Julie Roslin
Senior Manager, Business Development

Re: Company Considering Expansion in Brevard County

The Economic Development Commission of Florida's Space Coast is managing a business expansion project, Project Signal. Project Signal is an aerospace manufacturer considering a location in the NBEDZ. Should the project choose this site, they plan to invest \$2.4M in new capital investments and create at least 10 jobs with an average wage of \$50,261.

The EDC and the North Brevard Economic Development Zone (NBEDZ) requests that the Board of County Commissioners approve the NBEDZ use of funds in the amount of \$10,000 as the required local contribution in the state's Qualified Tax Incentive (QTI) program in order to induce the economic development project known as "Project Signal" to go forward, evidencing approval of said use of funds by Resolution.

Enclosed please find the following:

- Economic Impact Analysis
- Draft Board Report
- Resolution – QTI
-

If you should have any questions regarding any of the enclosed documentation or on the company's business expansion, please feel free to contact me.

Project Signal

Brevard County, FL

08/30/16

Overview:

New Job Commitment:	10	Capital Investment:	\$2,400,000
Average Annual Wage:	\$50,261		

Economic impact from job creation:

<u>Jobs</u>	<u>Net New Wage</u>	<u>Contribution to GDP</u>
10 (Direct)	\$502,610 (Direct)	\$695,832 (Direct)
1 (Indirect)	\$56,892 (Indirect)	\$76,287 (Indirect)
3 (Induced)	\$112,187 (Induced)	\$202,854 (Induced)
14 TOTAL	\$671,689 TOTAL	\$974,972 TOTAL

- For every employment position created by Project Signal approximately 0.4 additional jobs will be developed to support the operation of the facility.
- For every payroll dollar paid to Project Signal approximately \$0.37 will be generated for consumer spending.

Industry:

Guided Missile and Space Vehicle Manufacturing NAICS – 336414 IMPLAN Sector – 360

Analysis based on information supplied by Project Signal - August 2016

Economic impact calculations furnished by EDC Research Office, using IMPLAN Professional 3.1 (www.IMPLAN.com).

Exhibit B

**Background Investigation Check
SCOPE OF SERVICES**

1. In addition to the contracted worker services, the Contractor shall perform a High Level (Level 1) Background Screenings for all Recreation Partners, Recreation Instructors, Caretakers, contractors and volunteers working, volunteering or under contract with Parks and Recreation.
 - Caretaker shall mean an adult providing security at a facility administered or managed by the Parks and Recreation Department and operating under a Caretaker Agreement with the County.
 - Recreation Instructor shall mean an individual or group which has a current Recreation Instructor Facility Use Agreement with the County providing for nonexclusive use of a facility in order for the individual or group to provide leisure services.
 - Recreation Partner shall mean a nonprofit or not for profit group or organization which has a current Recreation Partner Facility Use Agreement with the County providing for nonexclusive use of a facility in order for the group or organization to provide recreation programs.
 - Volunteer shall mean a person who performs services or gives time of his/her own free will in support of programs, services, and/or has an executed contract/agreement with the County, without monetary compensation for 20 hours or more within a calendar year.

2. The cost of a High Level (Level 1) Background Screening for all Recreation Partners, Recreation Instructors, Caretakers, contractors and volunteers working, volunteering or under contract with Parks and Recreation shall be:

FINGERPRINTING COST	1 YEAR	2 YEAR	3 YEAR	4 YEAR	5 YEAR
PER PERSON	\$52.25	\$58.94	\$65.63	\$72.32	\$79.00

The County shall bear the cost of background screening for all Recreation Partners, the Recreation Instructor (excluding their staff and/or additional Instructors), and all volunteers. All Caretakers and all contractors shall bear the cost associated with their background screening.

3. The Contractor shall:
 - a. Offer the option to fingerprint on site where needed or in their office
 - b. Check all volunteers, caretakers, contractors Recreation Instructors, and Recreation Partners E-Facts prior to processing them for their fingerprints.
 - c. Confirm all background clearances in accordance with County Administrative Order, AO-05.
 - d. Maintain all files related to the background information on all volunteers, caretakers, contractors, Recreation Instructors, and Recreation Partners.
 - e. Provide monthly reports to the Parks and Recreation Administration Office, 2725 Judge Fran Jamieson Way, B203, Viera, FL 32940.
 - f. Provide an annual report to include but not limited to, the number of background screenings completed for the year, the persons screened, and if any background screenings set to expire in the upcoming year
 - g. Alert the County, if an applicant is flagged for an arrest within twenty-four (24) hours of notification of the arrest.

4. Upon completion of the initial background screening, a re-screening at the same Level will occur at a minimum of every five (5) years.

High Level (Level 1) Background screening includes the following:

- Clerk E-Facts – www.brevardclerk.us
- Fingerprinting (FDLE and National FBI Criminal check through VECHS)

- Department of Juvenile Justice check on individuals under the age of 18 when applicable and allowed in lieu of fingerprinting
 - National Sex Offender Public Website – www.nsopw.gov
 - Reference Checks
 - Prior employment check
 - Education/Licensing verification (case-by-case)
 - Driver’s license check (case-by-case)
 - Drug Testing (case-by-case)
5. For billing purposes relating to Background Investigation Checks, the Contractor shall provide an invoice by the tenth (10th) day of each month to each Area Operations Office. The invoice shall include the amount billed for each identified person. Each person shall be identified by Organization and individual name and/or the type of service being provided (i.e. Recreation Instructor, Caretaker).

Exhibit C
Contracted Recreation Worker Services for Parks & Recreation
BILLING PRICE SHEET

ITEM No.	JOB TITLE	ESTIMATED WORKER RATE	ESTIMATED WORKER RETURN RATE	PROPOSED BILLING %	ESTIMATED BILLING RATE	X	ESTIMATED ANNUAL HOURS	=	ESTIMATED EXTENDED PRICE
1	Seasonal Recreation Worker I	\$8.43	\$8.59	27.55%	\$10.75	X	36,025	=	\$387,357.55
2	Seasonal Recreation Worker II	\$9.64	\$9.83	27.55%	\$12.29	X	13,310	=	\$163,657.36
3	Seasonal Recreation Worker III	\$11.06	\$11.28	27.55%	\$14.11	X	7,580	=	\$106,931.29
4	Recreation Instructor	\$11.06	\$11.28	27.55%	\$14.11	X	2,120	=	\$ 29,913.20
5	Recreation Aide	\$10.22 ***	10.22	27.55%	\$13.89	X	22,050	=	\$306,278.80
6	Recreation Leader	\$11.25	11.25	27.55%	\$14.35	X	4,169	=	\$ 59,822.54
7	Lifeguard I (Pools only)	\$8.85	\$9.12	27.55%	\$11.29	X	20,785	=	\$234,670.53
8	Lifeguard I w/WSI (Pools only)	\$9.29	\$9.57	27.55%	\$11.85	X	30,000	=	\$355,481.85
9	Lifeguard Captain I (Pools only)	\$9.75	\$10.04	27.55%	\$12.44	X	4,875	=	\$ 60,626.11
10	Lifeguard Captain I w/WSI (Pools only)	\$10.23	\$10.54	27.55%	\$13.05	X	5,000	=	\$ 65,241.83
11	Pro Shop Attendant	\$11.27	11.27	27.55%	\$14.37	X	5,900	=	\$ 84,811.82
12	Sea Turtle Educator	\$12.00	12.00	27.55%	\$15.31	X	500	=	\$ 7,653.00
	TOTAL ESTIMATED ANNUAL PRICE							=	\$1,862,445.88

**** Per email confirmation to Melbourne Office Manager, this pay rate was amended to \$10.89. The bill rate listed above is based on the amended rate.

Amended per the terms agreed upon in the Negotiation Committee meeting September 12, 2018

Exhibit D



BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE ORDER

NUMBER: AO-05
CANCELS: 04/24/15
APPROVED: 06/12/18
ORIGINATOR: Human Resources
REVIEW: 06/12/21

Title: Background Investigation Checks

I. PURPOSE AND SCOPE

To establish a consistent, county-wide procedure for conducting background investigation checks.

II. DEFINITIONS AND REFERENCES

Applicant – An external applicant or volunteer being considered for a position or a current employee being considered for a position with a higher security level as the result of a promotion, transfer or demotion.

- B. At-Risk Population- Children, elderly, disabled, and those whom cannot defend themselves. Example of settings in which individuals come into contact with at-risk populations include, but are not limited to:
- Daycare: senior citizen centers and community day programs for children.
 - Group Home: placements for children under the care of the State as a result of abuse or neglect or as a consequence of delinquency.
 - Program activities involving children on school property.
 - Shelters: homeless, domestic violence or special needs emergency shelters.
 - Youth development programs.
 - Volunteer programs for the elderly or individuals with disabilities; such as, Meals on Wheels or other community/volunteer programs.
 - Library areas/programs designated for children.
 - Park areas/programs designated for children.
- C. Background Investigation Handbook – a handbook with detailed information about how to complete and interpret the background checks.
- D. Background Checklist – a form used to track the results of the background checks performed by the Department/Office.

- E. Conviction – defined as a law violation where there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

NOTE: A "yes" answer to the question of law violation on the application will not automatically bar the applicant from employment. The nature, job-relatedness, severity and date of the offense in relation to the position for which they are applying will be considered.

- F. Recertification – Frequency which each Department/Office reinvestigates each employee's or volunteer's criminal history.

- G. **SECURITY LEVELS:**

High Level (Level I) – Applies to an employee or volunteer who has unsupervised access and/or contact with individuals identified as being in the at-risk population.

Moderate Level (Level II) – Applies to an employee or volunteer who has supervised access and/or contact with individuals identified as being in the at-risk population.

Low Level (Level III) – All other employees or volunteers who do not fit into the High or Moderate security levels.

- H. VECIIS – an acronym for the Volunteer & Employee Criminal History System at the Florida Department of Law Enforcement (FDLE). The VECHS program agreement allows Brevard County to submit state and national checks for employees and volunteers, as needed.
- I. F.S. 112.011 – Felon; removal of disqualifications for employment, exceptions.
- J. F.S. 943.04351 – Search of registration information regarding sexual predators and sexual offenders required prior to appointment or employment.

III. RESPONSIBILITIES

- A. Each Department/Office Director shall establish a background investigation check procedure which ensures that the guidelines in this Administrative Order are met.
- B. Each Department/Office will utilize the guidelines in this Administrative Order or will adhere to statutory/contractual requirements, whichever is more stringent.
- C. Each Department/Office shall be responsible for verifying that each applicant

meets the requirements for the job, including educational and/or licensing verification, driver's license check.

- D. Each Department/Office shall be responsible for checking and documenting a total of three (3) of the applicant's employment and/or personal references. Document if the applicant has insufficient work history (i.e.; a student with no experience or someone returning to the workforce after a long absence) or is a volunteer. Due diligence must be used in obtaining these references, but if no response is received, documentation should be made of what efforts were made. Reference checks are not mandatory for those temporary employees hired on a seasonal basis.

The Background Investigation Handbook has detailed instructions and reference forms to be used in checking these references.

- E. Each Department/Office shall perform the required minimum criminal background investigation checks at the appropriate security level for applicants under final consideration and document the results on the Background Checklist, which shall be provided to the Office of Human Resources with the background documents.

1. High-Level Security Check (Level I):

- Fingerprints – submit fingerprints to FDLE under the VECHS agreement using digital fingerprint machine or using the fingerprint card provided for FDLE and National FBI criminal investigation check.
- Brevard County Clerk E-Facts: www.brevardclerk.us

2. Moderate-Level Security Check (Level II):

- FDLE: <https://web.fdle.state.fl.us/search/app/default>
- Brevard County Clerk E-Facts: www.brevardclerk.us
- National Sex Offender Public Website: www.nsopw.gov
- Out-of-State criminal checks based on past seven (7) years address history (on-line checks may be done, if available), or alternatively a national background check.

3. Low-Level Security Check (Level III):

- Brevard County Clerk E-Facts: www.brevardclerk.us
- National Sex Offender Public Website: www.nsopw.gov
- Florida Department of Corrections: www.dc.state.fl.us
- Out-of-Area criminal checks based on past two (2) years address history (on-line checks may be done, if available).

- F. Applicants under final consideration for positions classified as high security level shall be subject to the following guidelines for criminal background checks.

Consistent with F.S. 112.011, a person shall not be disqualified from employment by the County solely because of a prior conviction for a crime. However, a person may be denied employment by the County by reason of the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment sought.

1. A prior conviction of any of the following criminal offenses, if a felony or first degree misdemeanor, is considered to be directly related to any high level security position, irregardless of when it occurred, and will disqualify an applicant from further consideration:

- Child Abuse, Neglect or Abandonment
- Extortion
- Extreme Violence (Aggravated Assault/Aggravated Battery, Murder, Attempted Murder, Vehicular Homicide)
- False Imprisonment
- Hate Crime
- Indecent Exposure if Sexual in Nature
- Kidnapping
- Manslaughter
- Child Pornography
- Illegal Possession of Guns or Weapons
- Robbery
- Sale of Controlled Substance
- Sexual Offense (Lewd and Lascivious - Sexual Battery)
- Any Offense of similar nature and severity to those listed above (contact the County Attorney's Office if there is a question)

2. A prior conviction of any of the following criminal offenses, if a felony or first degree misdemeanor, is considered to be directly related to any high level security position if it occurred within five (5) years of the date of the background check, and will disqualify an applicant from further consideration:

- Battery/Assault
- Domestic Violence
- Misdemeanor Drug and/or Paraphernalia
- Resisting Arrest with Violence
- Sale of Alcohol or Tobacco to a Minor
- Contributing to the Delinquency of a Minor
- Any Offense of similar nature and severity to those listed above (contact the County Attorney's Office if there is a question)

A prior conviction of one of the above criminal offenses, if a felony or first degree misdemeanor, that occurred beyond five (5) years of the date of the background check, shall be carefully reviewed by the appointing authority on a case-by-case basis to determine if it is directly related to a high security level position and the applicant is disqualified from further consideration.

3. A prior conviction for any of the following criminal offenses, if a felony or a first degree misdemeanor, shall be carefully reviewed by the appointing authority on a case-by-case basis to determine if it is directly related to a high security level position and if the applicant is disqualified from further consideration:

- Disorderly Conduct/Trespassing
- Driving While Under the Influence (DUI), one incident only (more than one must show proof of rehabilitation)
- Petty Theft
- Worthless Checks
- Other Crimes
- Any Offense of similar nature and severity to those listed above (contact the County Attorney's Office if there is a question)

G. When determining whether a prior criminal conviction for any of the criminal offenses listed in Section F above are directly related to a high, moderate or low level security position, an appointing authority shall take the following factors into consideration:

- The classification of the crime as a felony or first degree misdemeanor
- The relationship between the incident and the type of employment or service that the applicant will provide.
- The nature, severity, number, and consequences of the incidents disclosed.
- The amount of time elapsed since the incident(s) occurred.
- The applicant's efforts and success at rehabilitation.
- The age of the applicant at the time of the incident.

If there is any question about whether the criminal offense is directly related to the position, contact the County Attorney's Office.

H. After the background investigation checks are satisfactorily completed, the Department/Office can initiate the request for the applicant to be hired to a paid position or coordinate a start date for a volunteer placement.

IV. RESERVATION OF AUTHORITY

The authority to issue and/or revise this Administrative Order is reserved for the County Manager.

 5/12/18
Frank Abbate, County Manager / Date

Exhibit E



POLICY

NUMBER: BCC-05
CANCELS 04-28-15
APPROVED: 5-22-18
ORIGINATOR: Human Resources
REVIEW: 05-22-21

TITLE: Zero Tolerance of Workplace Violence

I. OBJECTIVE

To establish and maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. As a result, any threats or acts of violence made by or to an employee, against another person's life, health, wellbeing, family or property will not be tolerated.

II. DEFINITIONS AND REFERENCES

- A. Workplace: includes any place, site, or vehicle owned and/or operated by Brevard County, or any place where and while a Brevard County employee is conducting County business.
- B. Violence: any act or instance of intentional physical harm or the threat of harm. The Board recognizes family violence, violence at work, and any other exposure to violence can affect an employee's work performance. The Board acknowledges all human relationships have the potential for conflict that may result in incidental or sustained violence. Violence may be a consequence of the actions of employees, supervisors, customers, clients, vendors, or any other person.
- C. "Concealed Weapon" means any dirk, knife, metallic knuckles, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife. Florida Statute 790.001(3)(a), (13) carried on or about the person in a manner to conceal the weapon from the ordinary sight of another person.
- D. "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime. Florida Statutes 790.001(6)
- E. "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. Referred to as "electric weapon" below. Florida Statute 790.001(14)

- F. "Self Defense Chemical Spray" means a device carried solely for the purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical. Florida Statute 790.001(3)(b)

III. DIRECTIVES

A. EXPECTATIONS

1. All Brevard County managers, directors, supervisors, and employees are to treat each other, their customers and clients, and all others with courtesy, dignity, and respect. Violence, threats, harassment, physical or psychological intimidation, assault or physical abuse, vandalism, sabotage, arson, and any other disruptive behaviors in our workplace are not acceptable and will not be tolerated.
2. To the extent permitted by law, the County prohibits the possession of weapons or firearms, as defined by Section 790.001, Florida Statutes, on County premises or properties; provided, however, that this prohibition does not apply in the following circumstances:
 - a. Possession of a firearm, weapon or electric weapon is permitted when it is a necessary and approved requirement of the employee's job including, but not limited to, law enforcement. The employee shall be required to have any necessary State of Florida licenses prior to being authorized to possess a weapon or firearm under this exception.
 - b. Other than as stated in 2.a.above, possession of a single concealed handgun, weapon or electric weapon (both referred to as "weapon" below) by an employee is permitted when an employee is properly licensed under Section 790.06, Florida Statutes, to the extent permitted by law, subject to the following limitations:
 - i. An employee possessing a handgun or weapon under this subsection must retain control of it, on their person, at all times.
 - ii. A handgun or weapon carried under this subsection may not be left in an unoccupied county vehicle at any time.
 - iii. An employee possessing a handgun or weapon under this subsection must keep such handgun or weapon concealed. An employee may secure a concealed handgun or weapon in a locked drawer (for example, desk or filing cabinet) exclusively under the employee's control meaning only the employee has a key to the lock. An employee may conceal the handgun or weapon in his/her purse, briefcase or backpack, but must keep such purse, etc., in his/her direct control at all times (for example, an employee securing a handgun in a backpack, must carry the backpack with them at all times).
 - iv. An employee is not permitted to carry a handgun or weapon under this subsection during a workday in which there is a reasonable possibility that her/his duties will include being in, at or within a facility in which possession of such weapon is prohibited under law
 - v. An appointing authority has the authority to prohibit a given class or group of employees from possessing a handgun or weapons otherwise permitted under this subsection upon a determination by the appointing authority that the nature of duties or circumstances of the employee's work environment renders the carrying of such handgun or weapon impractical or unsafe (for example, the possibility the employee's

duties involve entering on or into facilities where carrying a concealed firearm or weapon is prohibited by law).

- c. A lawfully owned weapon or firearm is permitted in a privately owned and locked vehicle in a parking lot when an employee or citizen complies with Section 790.251, Florida Statutes.
- d. Pursuant to Florida Law 790.06(12), an employee is not authorized to openly carry a handgun or carry a concealed firearm or weapon into:
 - i. Any place of nuisance as defined in s.823.05;
 - ii. Any police, sheriff, or highway patrol station;
 - iii. Any detention facility, prison or jail;
 - iv. Any courthouse;
 - v. Any courtroom;
 - vi. Any polling place;
 - vii. Any meeting of the governing body of a county, public school district, municipality, or special district;
 - viii. Any meeting of the Legislature or a committee thereof;
 - ix. Any school, college, or professional athletic event not related to firearms;
 - x. Any elementary or secondary school facility or administration building;
 - xi. Any career center;
 - xii. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
 - xiii. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
 - xiv. The inside the passenger terminal of an airport provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft.
 - xv. Any place where the carrying of firearms is prohibited by law.
- e. An employee is authorized to carry self-defense chemical spray as defined herein for his/her personal protection.

B. TRAINING: Brevard County will conduct a workplace violence training program.

C. **NON-RETALIATION:** This policy prohibits retaliation against any employee who brings complaints of violent or intimidating behavior, or who helps in investigating complaints; the employee will not be adversely affected in terms and conditions of employment, nor discriminated against, or discharged because of the complaint.

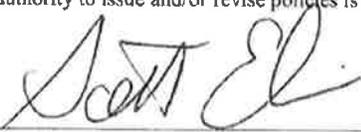
D. **DISCIPLINE**

All managers have a responsibility to immediately intervene when any employee displays conduct which violates this policy. In situations where employee safety is at risk or the security of property is an issue, the supervisor, at his/her discretion and in accordance with Brevard County's disciplinary policies and procedures, may engage the assistance of law enforcement to remove the threatening employee.

Any employee deemed responsible for conduct that is prohibited by this policy is subject to disciplinary action appropriate to the specific incident (which could include revocation of the authorization to carry a concealed weapon or handgun as authorized herein), up to and including termination from employment, and civil or criminal penalties.

IV. **RESERVATION OF AUTHORITY**

The authority to issue and/or revise policies is reserved to the Board of County Commissioners.



Scott Ellis, Clerk



Rita Pritchett, Chair
Board of County Commissioners
Brevard County, Florida

As approved by the Board on MAY 22 2018

THIS DOCUMENT PREPARED BY
AND RETURN TO:

**AMENDMENT TO AGREEMENT REGARDING DEVELOPER'S
CONTRIBUTION FOR COUNTY'S THIRD PARTY LEGAL, ECONOMIC AND
FINANCIAL ANALYSIS OF THE DEVELOPMENT OF THE BREVARD COUNTY
CONVENTION CENTER AND PARKING GARAGE**

THIS AMENDMENT TO AGREEMENT (the "AMENDMENT") is made and entered into as of this ^{24th} day of May, 2021, by and between **DAD 1300 N ATLANTIC COCOA, LP**, a Delaware limited partnership, whose address is 255 Alhambra Circle, Suite 760, Coral Gables, Florida 33134 (the "Developer"), and **BREVARD COUNTY, FLORIDA**, whose address is c/o County Attorney Office, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 (the "County"). Developer and County are sometimes referred to herein together as the "Parties".

WITNESSETH:

WHEREAS, on April 20, 2021 Developer, the owner of the International Palms Resort located on approximately 15.7 acres of land located at 1300 N. Atlantic Avenue, Cocoa Beach, Brevard County, Florida, as more particularly described in the attached **Exhibit "A"** (the "Property") submitted an Agreement Regarding Developer's Contribution for Third Party Legal, Economic and Financial Analysis of the Development of Convention Center and Parking Garage ("Agreement") to the Brevard County Board of County Commissioners (Board); and

WHEREAS, the Board approved the Agreement and executed the Agreement on April 20, 2021; and

WHEREAS, based on Developer's request to have County Staff analyze the economic, legal and financial feasibility of the Project and risk to the County, Developer, in accordance with the terms of this Agreement, agrees to pay to the County the amount of **SEVENTY FIVE THOUSAND AND NO/100 DOLLARS (\$75,000.00)** to be held in a separate fund, for the payment of approved third party invoices incurred for such economic, financial, risk and legal analysis of the feasibility of the Project by the County (collectively, the "Analysis").

WHEREAS, pursuant to the Agreement, the County was required to hire consultants to review the updated project proposal presented by Developer, and

WHEREAS, the County was required to hire an economic consultant after issuance of a Request for Proposal (RFP) and have analysis commenced within three weeks of delivery of the proposal from Developer; and

WHEREAS, the County received the proposal on May 13, 2021, and

WHEREAS, on May 14, 2021, a lawyer representing the Developer requested that the County staff retain the proposal and refrain from forwarding the proposal to the consultant hired pursuant to the RFP; and

WHEREAS, the parties wish to eliminate the deadlines and time constraints currently contained in the Agreement,

NOW THEREFORE, in consideration of the premises and the mutual covenants and conditions hereinafter contained, the Parties agree as follows:

1. Incorporation of Recitals. The recitals set forth in this Agreement are true and correct and are incorporated herein by reference.
2. Extension of deadlines. The parties agree that review by the consultant hired pursuant to the RFP described herein shall not proceed until Developer provides written notice requesting that the proposal be delivered to the consultant and the analysis commenced.
3. Acknowledgment of legal review by bond counsel. Developer recognizes and acknowledges legal review by bond counsel had commenced prior to delivery of the updated proposal on May 13, 2021 and the fees for legal review continue to accrue. Nothing herein limits the ability to expend funds provided to the County via the Agreement for legal and bond counsel review.
4. All other provisions remain in effect. All other provisions of the Agreement shall remain in full force and effect.

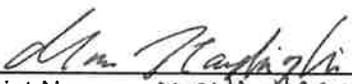
In witness whereof, this Agreement has been duly executed by the Parties as of the day and year first above written.

DEVELOPER:

TWO WITNESSES:

DAD 1300 N ATLANTIC COCOA, LP, a
Delaware limited partnership

General Partner
DAD 1300 N Atlantic Cocoa GP, LLC


Print Name: MONA RAGHIGHI

Alexis

Print Name: Alexis Machado

[Signature]
Name: Carlos Rodriguez
Managing Member
Its: Authorized Signatory

STATE OF FLORIDA
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 2nd day of May, 2021 by Carlos Rodriguez, as Authorized Signatory of **DAD 1300 N ATLANTIC COCOA, LP**, a Delaware limited partnership, who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed and who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(NOTARY SEAL)



[Signature]
Notary Public Signature

Kristin L. Espinoza
(Name typed, printed or stamped)

[SIGNATURE PAGE TO FOLLOW]

COUNTY:

COUNTY OF BREVARD, FLORIDA

By: Frank Abbate

Frank Abbate, County Manager

Elu Benky
Assistant County Attorney

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 24th day of May, 2021, by Frank Abbate, as County Manager of the County of Brevard, Florida, on behalf of such County. He/She is personally known to me or has produced _____ as identification.

(NOTARY SEAL)



Notary Public Signature

J Bayne
(Name typed, printed or stamped)